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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
WANG, LIANG CHE A	

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/542,273	CROW ET AL.	
	Examiner	Art Unit	
	Liang-che Alex Wang	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-25 are presented for examination.

2. Claims, 1-3, 6, 7, 9-13, 15-23, and 25 are amended.

The New Grounds of Rejection

3. Applicant's amendment and argument with respect to claims 1-25 filed on 7/24/2006 have been fully considered but they are deemed to be moot in views of the new grounds of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-5, 9, 13, 15-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballard, US Patent Number 6,078,960, hereinafter Ballard, in views of White, US Patent Number 6,058,425, hereinafter White.

6. Referring to claim 1, Ballard teaches a communication network (see Figures 1 and 3) comprising:

a plurality of server devices (Figure 1, items 12) for providing a plurality of services to the network (Col 3 lines 32-65, servers provides services to clients in a client-

server network), where each service of the plurality of services has a corresponding service address (each server under TCP/IP is associated with a service address);

a client device (Figure 1 item 14) configured to access a first service (Col 1 lines 44-50) by performing the following:

accessing a service point map (Col 6 lines 5-8, load balance list corresponds to service point map) on the client device (Col 6 line 3, load balance list is stored on the client device) to obtain the corresponding service address for the first service (Col 1 lines 44-50, 53-55;), and

sending a request or the first service to the corresponding service address for the first service (Col 5 lines 12-18),

wherein the first service point map comprises a listing of services and their corresponding respective service address (Col 6 lines 3-18).

Ballard does not explicitly teaches wherein a first server device of the plurality of server devices provides first and second services that are distinct from each other, and wherein the corresponding service address for the first service is distinct from the corresponding service address for the second service.

However, White teaches a server device (server A 30, Figure 2)) provides first (TCP/IP A 32) and second service (TCP/IP B 34) that are distinct from each other, and wherein the corresponding service address for the first service is distinct from the corresponding service address for the second service (Col 4 lines 37-43, Col 8 lines 33-37, each TCP/IP instance has its IP address for servicing client).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Ballard such that the server device in Ballard would have multiple TCP/IP instances so a single server device could have first and second services that are distinct from each other, and wherein the corresponding service address for the first service is distinct from the corresponding service address for the second service because both Ballard and White teaches communication between client and server in a TCP/IP environment (Ballard Col 3 lines 32-65, and White Col 1 lines 5-9).

A person with ordinary skill in the art would be motivated to make the modification to Ballard, because having a single server with multiple IP address domains through multiple TCP/IP instances would allow access to server applications across the IP domain's of multiple TCP/IP instances by reducing the number of servers as taught by White (Col 2 lines 4-19).

7. Referring to claim 2, Ballard as modified teaches the communication network of claim 1, further comprising a service point manager device (accessed server computer) to intermittently generate a current service point map (figure 4B, updated load balance list) listing the plurality of services and corresponding service addresses (Col 6 lines 49-64, updated load balance list is received from the accessed server computer), where each respective service device of the server devices sends corresponding service address information for each service provided by that server device to the service point map manager device (see figure 4B, updated load balance list contains servers info from servers 1-5) and the client device collects the current service point map from the service

point map manager device when the client device connects to the network (Col 6 lines 49-64, updated load balance list is received from the accessed server computer).

8. Referring to claim 3, Ballard as modified teaches the communication network of claim 2, wherein the service point manager device selects at least one connected service for inclusion in the current service point map using server load balancing technique (figure 4B, Col 6 lines 49-64).
9. Referring to claim 4, Ballard as modified teaches the communication network of claim 3, wherein the load balancing techniques are implemented by supplying a service point map to the client (Col 6 lines 3-18, lines 54-64), wherein the first service point map has been processed for load balancing (Col 1 lines 44-50).
10. Referring to claim 5, Ballard as modified teaches the communication network of claim 3, wherein the server load balancing technique are implemented by supplying a first service point map (figure 4A) to the client device, wherein the client device runs a script code in the first service point map to select the at least one connected service (Col 1 lines 44-50).
11. Referring to claim 9, Ballard teaches the communication network of claim 1, wherein the second service of the plurality of services causes the client device to perform actions using executable commands in the service point map (Col 1 lines 44-50.)
12. Referring to claims 13 claims 13 encompasses the same scope of the invention as that of the claim 1. Therefore, claim 13, is rejected for the same reason as the claim 1.
13. Referring to claim 15, Ballard as modified teaches the server computer system of claim 13, wherein the server computer system sends the table listing to client computer system when the client computer system connects to the network (Col 6 lines 54-59).

14. Referring to claim 16-19, Ballard as modified teaches the server computer system of claim 13, wherein a first service is selected from the plurality of services using a first partitioning scheme (Col 1 lines 53-55), and the examiner takes official notice on schemes used in claim 16-19.

15. Referring to claims 20-22, claims 20-22 encompass a similar scope of the invention as that of the claims 1-3, 13, except that the service point map is dynamic in claims 20-22, however, Ballard also teach the service point map is dynamic (Col 6 lines 54-64, figure 4B updated load balance list).

16. Referring to claims 23-25, claims 23-25 encompass the same scope of the invention as that of the claims 20-22. Therefore, claims 23-25 are rejected for the same reason as the claims 20-22.

17. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballard, in views of White and in further views of Fujimoto, JP02001117932A, hereinafter Fujimoto. Ballard as modified teaches an invention as described in claim 2, Ballard further teaches wherein the service point manager device selects the at least one connected service for inclusion in the current service point map using server load balancing technique (Col 1 lines 44-50.)

Ballard does not teach where the selection for inclusion in the service point map is based on the topographical location of the client device in the network.

However, Fujimoto teaches a selection for inclusion in the service point map is based on the topographical location of the client device in the network (See Solution lines 1-8 on the translated page.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Ballard such that service point manager device selects s at least one connected service for inclusion in the current service point map based on the topographical location of the client device in the network, because both Ballard and Fujimoto teach invention relates to services allocation.

A person with ordinary skill in the art would be motivated to make the modification to Ballard, because having a topographical map as taught by Fujimoto would allow the system of Ballard to provide specific services to users in a specific topographic location.

18. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballard, in views of White and in further views of Al-Ghosein et al., US Patent Number 6,473,791, hereinafter Al-Ghosein.

19. Referring to claim 7, Ballard as modified further teaches wherein the service map includes supplemental service identification data (figure 4A, Col 6 lines 3-18 all the service descriptions could be considered as supplemental service identification data.)

Ballard does not explicitly teach the supplemental service identification data comprising a client epoch value for a second service identified in the service point map, wherein the epoch value is used to correlate the performance of the client device and the second service.

However, Al-Ghosein teaches a load balancing service system receive performance values indicative of the targets' performance (Col 11 lines 31-35)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Ballard such that to have supplemental service identification data comprising a client epoch value for a second service identified in the service point map, wherein the epoch value is used to correlate the performance of the client device and the second service.

A person with ordinary skill in the art would have been motivated to make the modification to Ballard, because placing the performance value of Al-Ghosein in the service point map of Ballard would allow the system to be aware of its performance level, which would allow the system to have the capability to keep track of the performance, and then increase the performance (Col 11 lines 36-41)

20. Referring to claim 8, Ballard as modified further teaches wherein a first serve causes the client device to perform actions using executable commands in the service point map (Col 17, lines 36-37);

Ballard does not teach wherein a third service has a corresponding service epoch value, whereby the third service causes the client device to take corrective action at the time that a mismatch is detected between the client epoch vale and the service epoch value.

However, AL-Ghosein teaches, after receiving the performance values the system then take corrective action by map to a target identifier with a more favorable performance value. (Col 11 lines 36-41)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Ballard such that a third service has a

corresponding service epoch value, whereby the third service causes the client device to take corrective action at the time that a mismatch is detected between the client epoch vale and the service epoch value

A person with ordinary skill in the art would have been motivated to make the modification to Ballard, because Al-Ghose disclosed taking corrective actions (Col 11 lines 36-41) based on the performance values (Col 11 lines 31-35), and placing the performance value of Al-Ghosein in the service point map of Ballard then take corrective action would increase its performance level. Using client and service epoch values is just a technique of using performance values.

21. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballard, in views of White and in further views of Bartle et al. US Patent Number 6,188,888, hereinafter Bartle.

22. Referring to claims 10-12, Ballard as modified does not teaches wherein the service map includes backup address information for a selected service identified in the service point map in the event that the selected service cannot be reached.

However, Bartle teaches that a user would provide a backup numbers (alternate telephone numbers) (Col 1 lines 26-29) in the event that user cannot be reached.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Ballard such that the service map includes backup address information for a selected service identified in the service point map in the event that the selected service cannot be reached.

A person with ordinary skill in the art would have been motivated to make the modification to Ballard, because it is well known to provide a backup or alternate numbers when the primary number is not good to reach a person. Also, it is well known that when planning a event such as picnic, there is usually a backup plan if there is a rain day. Having this concept to be applying on Ballard's invention. A person with ordinary skill in the art would have the service point map includes backup address information for a selected service identified in the service point map in the event that the selected service cannot be reached. And a person with ordinary skill in the art would also included all the possible address information including address information for a service point map manager device (claim 11), and address information for an alternate server providing the selected service (claim 12).

Conclusion

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

24. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang
September 28, 2006

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER